

AMENDED IN ASSEMBLY APRIL 22, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 718**

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**Introduced by Assembly Member Emmerson**

February 26, 2009

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An act to add Section 4071.2 to the Business and Professions Code, relating to healing arts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 718, as amended, Emmerson. ~~Prescription drugs; electronic transmissions.~~ *Inland Empire Health Plan E-Prescribing Pilot Program.*

The Pharmacy Law regulates, among other matters, the dispensing by prescription of dangerous devices and dangerous drugs, which include controlled substances. Existing law authorizes the electronic transmission of prescriptions under specified circumstances. ~~Under existing law, a violation of the Pharmacy Law is a crime.~~

~~This bill would require, to the extent consistent with federal law, every licensed prescriber, or prescriber's authorized agent, or pharmacy operating in California to have the ability, on or before January 1, 2016, to transmit and receive prescriptions by electronic data transmission. Because a knowing violation of that provision would constitute a crime under the Pharmacy Law, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*This bill would state the intent of the Legislature to enact legislation that would create the Inland Empire Health Plan E-Prescribing Pilot Program, which would promote health care quality and the exchange of health care information, include specified components, and be administered by an entity with specified certification and at least 5 years of e-prescribing experience under the Medi-Cal program.*

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. It is the intent of the Legislature to enact*  
2     *legislation that would create the Inland Empire Health Plan*  
3     *E-Prescribing Pilot Program, which would meet all of the following*  
4     *requirements:*

5     *(a) Be administered by an entity with certification from the*  
6     *Certification Commission for Health Information Technology and*  
7     *a minimum of five years of e-prescribing experience under the*  
8     *Medi-Cal program.*

9     *(b) Promote health care quality and the exchange of health care*  
10    *information.*

11    *(c) Include all of the following components:*

12    *(1) Integrated clinical decision support alerts for allergies,*  
13    *drug-drug interactions, duplications in therapy, and elderly alerts.*

14    *(2) Current payer formulary information.*

15    *(3) Appropriate alternatives, when needed, to support*  
16    *cost-effective prescribing at the point of care.*

17    *(4) Drug compendia approved by the Center for Medicare and*  
18    *Medicaid Services.*

19    *(5) Electronic transmission of prescriptions.*

20    ~~SECTION 1. Section 4071.2 is added to the Business and~~  
21    ~~Professions Code, to read:~~

22    ~~4071.2. To the extent consistent with federal law, on or before~~  
23    ~~January 1, 2016, every licensed prescriber, prescriber's authorized~~  
24    ~~agent, or pharmacy operating in California shall have the ability~~  
25    ~~to transmit and receive prescriptions by electronic data~~  
26    ~~transmission.~~

1     ~~SEC. 2.— No reimbursement is required by this act pursuant to~~  
2     ~~Section 6 of Article XIII B of the California Constitution because~~  
3     ~~the only costs that may be incurred by a local agency or school~~  
4     ~~district will be incurred because this act creates a new crime or~~  
5     ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
6     ~~for a crime or infraction, within the meaning of Section 17556 of~~  
7     ~~the Government Code, or changes the definition of a crime within~~  
8     ~~the meaning of Section 6 of Article XIII B of the California~~  
9     ~~Constitution.~~

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